

BILL ANALYSIS

Senate Research Center
83R14090 KSD-D

C.S.S.B. 920
By: Eltife
Economic Development
3/20/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 920 amends the Texas Labor Code to align state law to changes made to federal law by H.R. 3630, passed by Congress in 2011, which requires states to codify in statute the requirement that an individual be actively seeking work to be eligible for unemployment insurance benefits.

Currently, the Texas Workforce Commission executes this eligibility requirement through Commission Rule 815.28. The rule outlines the work search requirement by including any conditions that would exempt a claimant from the requirement, describing the roles and responsibilities of the local boards in establishing the weekly minimum requirement, and providing guidelines for claimants on what constitutes an adequate work search. This rule has been in place for a number of years.

If the state fails to conform to federal law, the state will be out of compliance with federal law and the state's federal grant for the administration of the unemployment insurance program could be rescinded by the federal government.

C.S.S.B. 920 amends current law relating to the requirement that an unemployed individual be actively seeking work to be eligible for unemployment compensation benefits.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 207.021(a), Labor Code, as follows:

(a) Provides that an unemployed individual, except as provided by Chapter 215 (Shared Work Unemployment Compensation Program), is eligible to receive benefits for a benefit period if the individual:

(1) has registered for work at an employment office and has continued to report to the employment office as required by rules adopted by the Texas Workforce Commission (TWC);

(2) has made a claim for benefits under Section 208.001 (Filing; Information Notices);

(3) is able to work;

(4) is available for work;

(5) is actively seeking work in accordance with rules adopted by TWC;

(6) for the individual's base period, has benefit wage credits in at least two calendar quarters and in an amount not less than 37 times the individual's benefit amount;

(7) after the beginning date of the individual's most recent prior benefit year, if applicable, earned wages in an amount equal to not less than six times the individual's benefit amount;

(8) has been totally or partially unemployed for a waiting period of at least seven consecutive days; and

(9) participates in reemployment services, such as a job search assistance service, if the individual meets certain conditions.

SECTION 2. Amends Section 207.0212(b), Labor Code, to authorize the governor, notwithstanding Section 207.021, by executive order, to suspend the waiting period requirement imposed under Section 207.021(a)(8), rather than Section 207.021(a)(7), to authorize an individual to receive benefits for that waiting period if the individual meets certain conditions.

SECTION 3. Effective date: upon passage or September 1, 2013.